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THE LAW SCHOOL.— Graduates of the School will be interested to know that Mr. John H. Arnold and his brother, Mr. George A. Arnold, begin this autumn their twenty-first year of service as Librarian and Assistant-Librarian respectively. When they took charge the condition of the library left a great deal to be desired. It is now, as most of our readers know, as perfectly adapted to its purpose, both in completeness of equipment and in convenience of use, as any library in the United States. This is not a small thing to say; for the demands made upon it are heavy in proportion to the importance of the part which is played under the Langdell system of teaching by the consultation of reported cases. To Mr. Arnold's skilful and devoted service — in particular to his unrivalled knowledge of legal bibliography and to his sagacity in the discovery and purchase of books — the School owes a debt which it is hard adequately to state. The REVIEW can only express the hope that he may continue in his present position long enough to double it.

It is worth noting in this connection that during the summer Mr. Arnold arranged abroad for the purchase of almost a complete set of English reports,— the third in the library. The other preparations for the increase in the number of students, outlined in the May number of the REVIEW. have been made as planned. Exactly how great the increase will be, it is not possible yet to state; it will not be less, however, than was estimated last spring.

The new course in the New York Code of Civil Procedure, referred to in May as a possibility, is an accomplished fact; the Faculty, in response to a numerously signed petition, having voted to establish it as an extra course, on the same footing as that on Massachusetts law. James Byrne, Esq., of New York, who graduated from Harvard College in 1877, and from the Law School (with very high rank) in 1882, has accepted the appointment as instructor. The lectures will be given on Saturday mornings, beginning January 1, and altogether will take as much time as a course running one hour a week for the entire year.

The very gratifying announcement has been made that the School will soon possess an oil portrait of Professor Langdell. Last winter the Council of the Law School Association appointed a committee to raise funds for this purpose among both past and present members of the School. The response was exceedingly gratifying; the artist, Mr. Frederick P. Vinton, of Boston, has already finished his work, and it is expected that the formal presentation of the portrait will take place within a few weeks.

THE IMPORTANCE OF "GENERAL USE" IN PATENT DECISIONS.[1] — The case of The Barbed Wire Patent, to appear in 143 U. S. 275, is one of exceptional value. The decision is not inconsistent with the cases which are near it in point of time, in which the grant of a patent was overruled by reason of want of novelty; but the rule which is laid down by Mr. Justice Brown certainly defeats the artificial conclusions which recent discussion has been supposed to support.

The court goes back to the very beginning of the law. There was an organic provision whereby authors and inventors were to receive a reward, — the exclusive enjoyment for a limited period of their writings and discoveries. This provision was meant to give the author or inventor a privilege in return for what he gave the State. For a considerable period the true purpose of this provision was, as far as it related to the useful arts, perhaps too strongly emphasized. The elasticity of the statutes was overtaxed; with the result that the now settled principles concerning reissued patents were developed, and, as an incident, what may be designated the doctrine of "the expected skill of the calling." The rule affecting reissued patents was a logical evolution from what preceded it; but, with the greatest respect, very little can be said to justify the doctrine of "the expected skill of the calling." According to this, the examples illustrative of the state of the art or existing knowledge having been produced, the court, wholly unskilled in the art, proceeded to say whether the example which was the subject of the patent was within the intellectual grasp of a skilled operator in possession of all the factors of knowledge. That some such criterion must necessarily be applied in many cases is obvious; but the rule is none the less arbitrary, and therefore dangerous.

In the case before us the court does not deal directly with questions relating to the "expected skill of the calling," but leaves that hopeless chapter where it is. The syllogism of its argument is, (1) the organic law has offered a reward to the inventor; (2) the inventor is he who gives the public a new tool or formula (3) whether the tool or formula is new is a question of fact to be determined upon evidence; (4) the most convincing evidence is the acceptance, indorsement, and use of the tool or formula by the public; and (5) the deductions from the act of the public cannot be displaced by testimony which leaves any room for reasonable doubt.

The patent in question was sought to be invalidated on the ground that it was wanting in novelty; and in support of this defence a great mass of evidence was produced. In his opinion, Mr. Justice Brown refers specifically to numerous instances in which devices very closely resembling

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[1] We are indebted to Rowland Cox, Esq., of New York for the following note on the case of The Barbed Wire Patent.